

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

**AARON MOSES PENA**

**PLAINTIFF**

**v.**

**CASE NO. 2:13CV00075 BSM**

**J. SUTTON et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge Jerome T. Kearney have been reviewed. No objections have been filed. After careful consideration, the proposed findings and recommended disposition are adopted in part and rejected in part. The findings as to defendant Wesner are adopted in their entirety. As to defendant Sutton, Pena alleges Sutton was deliberately indifferent when he failed to take Pena to the infirmary to treat “six lacerations” on Pena’s head. Pena has stated a claim upon which relief may be granted, and Sutton must remain as a defendant at this stage.

Accordingly, Wesner is dismissed. The clerk of court is directed to prepare summons for Sutton and the U.S. Marshal is directed to serve a copy of the complaint [Doc. No. 2], this order, and summons on Sutton, without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 4th day of October 2013.

  
UNITED STATES DISTRICT JUDGE